

# ***EXHIBIT 1***

**5:21-cv-844 (XR)**  
**4/26/2022**

**Entero v Texas**  
 NATIONAL COURT REPORTERS INC 888.800.9656

**Keith Ingram 1**  
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UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO )  
 et al., )  
 Plaintiffs, )  
 ) Civil Action No. SA-21-cv-  
 v. ) 00844-XR  
 ) (Consolidated Cases)  
 STATE OF TEXAS, et al., )  
 Defendants. )

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 ORAL DEPOSITION OF  
 KEITH INGRAM  
 APRIL 26, 2022  
 Volume 1  
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ORAL DEPOSITION OF KEITH INGRAM produced  
 as a witness at the instance of Plaintiff, and duly  
 sworn, was taken in the above-styled and numbered cause  
 on the 26th day of April, 2022 from 9:18 a.m. to 2:19  
 p.m. before Nancy Newhouse, a Certified Shorthand  
 Reporter in and for the State of Texas, reported by oral  
 shorthand, located at Price Daniel Sr. State Office  
 Building, 209 West 14th Street, Austin, Texas 78701,  
 pursuant to the Federal Rules of Civil Procedure, and the  
 provisions stated on the record or attached hereto.

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**Keith Ingram 157**  
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1 language of, you know, conveniently near versus near  
2 enough to see and hear, because substantively didn't  
3 make a change. Free movement hasn't, it doesn't add  
4 anything, that's just making explicit what was implicit  
5 before.

6 Q. Let's stay with Exhibit 19, if we could,  
7 please, and look at Section 4.09, which is on Page 29?

8 And sir, just let me know, if you could,  
9 when you've arrived?

10 **A. Okay.**

11 Q. Beginning with Line 8 on Page 29 of Exhibit  
12 19, 4.09(a) says, and amends 33.061(a) to make it an  
13 offense to take any action to obstruct the view of a  
14 watcher, or distance the watcher from the activity or  
15 procedure to be observed in a manner that would make  
16 observation not reasonably effective, do you see that?

17 **A. I do.**

18 Q. And we've talked about this a little bit  
19 already, do you have an understanding of the activities  
20 that would obstruct the view of a watcher, as that term  
21 is used in this section?

22 **A. You know, it could be as -- as much as just**  
23 **standing between the watcher and the activity being**  
24 **viewed, it could be making them stay in a designated**  
25 **area, I mean, it could be a lot of things.**

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1 Q. Does your office have an idea or  
2 interpretation of the law as to what would make, quote,  
3 "observation not reasonably effective," closed quote?

4 MR. JEFFREY WHITE: Objection, form.

5 **A. No. That's going to be up to the poll watcher**  
6 **to -- to alert somebody that their ability to**  
7 **effectively observe has been deteriorated in some way.**

8 Q. (BY MR. KANTERMAN) And again, I assume that  
9 the ultimate determination of whether or not that report  
10 from the poll watcher is, in fact, the correct or  
11 incorrect position will lie with the local official, is  
12 that fair?

13 **A. The presiding judge of whatever location**  
14 **they're at.**

15 Q. And does the Secretary of State's Office have  
16 any opinion as to the definition of the term reasonable  
17 effectiveness?

18 **A. No. No. And again, this doesn't change the**  
19 **law. They -- they've always had the ability to**  
20 **effectively observe whatever activity they want to**  
21 **observe, and they've always had the ability to holler**  
22 **obstruction if they believe they're being obstructed.**

23 Q. If an election judge were to ask an unruly  
24 poll watcher to stand 10 feet back from voting booths,  
25 in the Secretary of State's Office's view, could that

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1 person be charged with a crime?

2 **A. That person being who?**

3 Q. I should clarify, thank you.

4 If the election judge asks a poll watcher  
5 to stand 10 feet back from voting booths, could the  
6 election judge be charged with a crime in your office's  
7 view?

8 **A. Well, I don't know, maybe. It just depends.**  
9 **I mean, poll watchers don't have the right to go to poll**  
10 **-- to voting booths, so being a clear distance marker,**  
11 **you know, other than whenever a voter is being assisted**  
12 **by election workers at the polling place, it's probably**  
13 **not a bad idea. But if the poll watcher thinks that**  
14 **their ability to stand conveniently near or near enough**  
15 **to see and hear is being impeded by this, then they've**  
16 **got the right to complain about it.**

17 Q. And again, ultimately, the determination of  
18 who is in the right in that position lies with the local  
19 officials, correct?

20 **A. Well, you say ultimately, but that -- that**  
21 **really means in the first instance. Right? So the**  
22 **presiding judge decides a poll worker (sic) is getting**  
23 **too close to voters and harassing them, and the poll**  
24 **watcher obviously doesn't agree with that, but the poll**  
25 **watcher gets warned, the poll watcher keeps doing it,**

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1 the presiding judge kicks them out, there is a criminal  
2 complaint. The grand jury is going to be the ultimate  
3 decider of whether or not, and then the jury if it  
4 actually goes to a trial.

5 I mean, it's a criminal activity if you  
6 -- if you obstruct a poll watcher, so just because a  
7 presiding judge gets to make a determination in the  
8 first instance, doesn't mean that that's not going to  
9 get reviewed.

10 Q. Does the Secretary of State's Office have a  
11 view as to specific conduct that 4.09 prohibits?

12 MR. JEFFREY WHITE: Objection, form.

13 A. No. I mean, it's just -- it's just trying to  
14 put some gloss on what obstructing a poll watcher means,  
15 so they're saying obstructing the view or the distance  
16 so that it can't be reasonably observed or reasonably  
17 effectively observed. I mean, that just puts some gloss  
18 on what we already know, that it's a crime to obstruct a  
19 poll watcher.

20 Q. (BY MR. KANTERMAN) And what materials, if  
21 any, has your office made available, available or  
22 published, relating to Section 4.09's amendment to the  
23 law?

24 A. The -- the -- the same series of materials  
25 that we talked about before, the -- all the poll watcher

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1 it, the determination as to whether or not a caregiver  
2 or attendant is being paid for giving voting assistance  
3 or some other type of assistance?

4 **A. It would be up to the DA to -- to prosecute**  
5 **this section, we don't prosecute.**

6 Q. And you don't have, sitting here, any opinion  
7 as to how that discretion should be used?

8 MR. JEFFERY WHITE: Objection, form.

9 **A. I know -- my only context for this, as I said**  
10 **before, is when I get an election law complaint, right,**  
11 **and somebody alleges that this paid attendant for a**  
12 **voter took them to the voting booth and assisted them in**  
13 **voting and that's violation of compensation. I would**  
14 **say no crime, no referral.**

15 Q. (BY MR. KANTERMAN) What trains information or  
16 guidance has your office published regarding Section  
17 6.06s amendment?

18 **A. None. This is -- this is not about running**  
19 **elections.**

20 Q. Staying with Exhibit 19, please, let's turn to  
21 Section 7.04, which I believe is on page 58, the last  
22 two lines of page 58. Let me know when you're there,  
23 please.

24 **A. I'm there.**

25 Q. 7.04 defines vote harvesting services to mean

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1 in person interaction with one or more voters in the  
2 physical presence of an official ballot or a ballot  
3 voted by mail intended to deliver votes for a specific  
4 candidate or measure, do you see that?

5 **A. I do.**

6 Q. And we've touched on this briefly. For  
7 purposes of this section, what is The Secretary of  
8 State's position as to what an in person interaction is?

9 **A. Same as what we talked about before with**  
10 **regard to mail in ballot assistance?**

11 Q. And nothing beyond your earlier definition, is  
12 that correct?

13 **A. That's right.**

14 Q. What constitutes physical presence of an  
15 official ballot?

16 **A. Physical presence of an official ballot?**

17 Q. And what does that mean, sir?

18 **A. It means a ballot is physically present with**  
19 **the people who are talking.**

20 Q. I guess I'm looking for more clarity on what  
21 physically present as related to a ballot mean?

22 MR. JEFFERY WHITE: Objection form.

23 **A. Again, you understand our office is not a**  
24 **prosecutor. We're never going to enforce this language.**  
25 **We don't interpret this language, this is not us. So**



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1 **I'm just a civil lawyer -- tort lawyer mainly, and you**  
2 **want me to talk about what a criminal standard is, I got**  
3 **nothing.**

4 Q. (BY MR. KANTERMAN) So you say you'll never  
5 enforce this provision. Does that mean you will never  
6 refer any complaints regarding physical presence of an  
7 official ballot to the agent office for prosecutor?

8 MR. JEFFERY WHITE: Object to form.

9 **A. If we get a complaint with regard vote**  
10 **harvesting, I'll look at this and see if I think there's**  
11 **a reasonable cause to suspect a crime has occurred, and**  
12 **I might refer to the attorney general, if I think it**  
13 **does. That's the limit of our involvement. And our**  
14 **agency does not express opinions about any of this**  
15 **stuff, because this is not ours to express an opinion**  
16 **about.**

17 Q. (BY MR. KANTERMAN) And so as your office  
18 would look, let me ask a different question.

19 **A. I could send something over to Jonathan White,**  
20 **and Jonathan White would say, let's keep smoking,**  
21 **dismissed, right? I mean, I don't have any control over**  
22 **the prosecution; do you know what I'm saying? This**  
23 **isn't -- we don't do this.**

24 Q. And so sitting here today, you don't have a  
25 precise definition of what "physical presence" means as

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1 used in this section, correct?

2 **A. I have a layperson's understanding of**

3 **what I think it means, yeah.**

4 Q. And I'm not asking for your layperson

5 understanding, I'm asking for the Secretary of State's

6 Office --

7 **A. The Secretary of State doesn't have position**

8 **on that.**

9 Q. So I just want to be very clear with the  
10 record. The Secretary of State's office does not have a  
11 position on what the phrase "physical presence of an  
12 official ballot" means as used in Section 7.04 of SB 1,  
13 correct?

14 **A. Other than Keith Ingram's lay opinion, as he**  
15 **reads a complaint and decides whether or not to refer to**  
16 **the attorney general?**

17 Q. And we can get Mr. Ingram's lay opinion of  
18 that at some later time, but that was not my question.  
19 My question was whether or not the Secretary of State of  
20 -- well, my question was based on your testimony, isn't  
21 it true, the Secretary of State's office does not have a  
22 position as to what the definition of "physical presence  
23 of an official ballot" means, as that term is used  
24 within Section 7.04 of SB 1?

25 **A. Do you understand the Secretary of State's**

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1 **A. Yes, certainly.**

2 Q. (BY MR. KANTERMAN) And so the canvasser, in  
3 your opinion, has not violated section 7.04?

4 **A. Or, as I would say it, I would have no**  
5 **reasonable cause to suspect that a crime has occurred**  
6 **and I would not make that a referral to the Attorney**  
7 **General's Office.**

8 Q. Assume the same facts, please, and modify them  
9 so that the resident grabs their ballot, brings it to  
10 the front door and has a conversation with the canvasser  
11 about the measure but they now have the ballot in hand,  
12 do you understand that modification?

13 **A. Sure.**

14 Q. Under that scenario, if the conversation  
15 between the canvasser and the voter continues, has the  
16 canvasser violated section 7.04?

17 **A. I don't think so.**

18 Q. And what is your basis for that opinion?

19 **A. Because he didn't cause the ballot to be**  
20 **brought in front of him and it wasn't their -- I mean,**  
21 **the intent is, is to deliver votes against the measure,**  
22 **I get that. But that wasn't -- he's not trying to trick**  
23 **the voter, I mean, the voter brought the ballot. I**  
24 **don't know why, just look at the ballot language, I**  
25 **guess. If I was the canvasser, I would say please put**

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1 **that away, it makes me uncomfortable.**

2 Q. But even if the canvasser does not ask the  
3 voter to put the ballot away, in your view, the  
4 Secretary of State's office's view, they -- that  
5 canvasser would not have violated section 7.04, correct?

6 BY MR. JEFFERY WHITE: Objection, form.

7 **A. I'm not going to agree to that.**

8 Q. (BY MR. KANTERMAN) Why not?

9 **A. Because that Secretary of State doesn't have a**  
10 **view. I would look at the facts presented that --**  
11 **probably I would look at that and say I don't have**  
12 **enough facts. And I would send it back to the person**  
13 **who complained and say, tell me more.**

14 Q. Staying with this same section of SB 1, what  
15 does the phrase in the Secretary of State's offices view  
16 "intended to deliver" votes mean?

17 **A. That means, I mean, the whole point of vote**  
18 **harvesting is that a vote harvester promises a candidate**  
19 **or the proponent of a measure, I'll deliver you 5000**  
20 **votes, right. They promised they make a commitment. If**  
21 **you pay me, I will guarantee you a certain number of**  
22 **votes. And that's what that means intended to deliver**  
23 **votes. I've got a commitment to a candidate or I've got**  
24 **a commitment to the proponents of measure to deliver on**  
25 **votes or deliver votes against them.**

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1 registered voters is the highest in 28 years as Texans  
2 exercise their right to vote", do you see that?

3 **A. I do.**

4 Q. And so pointing you towards the statement  
5 "resounding success" in that paragraph, do you see it  
6 now?

7 **A. I did see it before but I didn't see primary**  
8 **before.**

9 Q. Okay. So let me --

10 **A. And I still don't.**

11 Q. Let me withdraw my comment about it being  
12 related to the primary.

13 What election is this comment issued in  
14 response to?

15 **A. The General Election in November of 2020?**

16 Q. Okay. Following the general election in  
17 November of 2020, then Secretary Hughs issued this  
18 statement that is Exhibit 22, correct?

19 **A. I agree with that.**

20 Q. And Secretary Hughs called the November 2020  
21 election a "resounding success", is that correct?

22 **A. I agree with that.**

23 Q. Do you know what Secretary Hughs' basis in  
24 making that statement was?

25 **A. Sure. She says.**

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1 Q. Where else can I --

2 **A. This was a collaborative effort that**  
3 **we worked on together. There's no reason to bother**  
4 **Secretary Hughs about this. I have told you what we**  
5 **were thinking?**

6 Q. You say we were thinking? Who do you mean we?

7 **A. Secretary Hughs and I. We wanted to**  
8 **congratulate the counties for pulling off this kind of**  
9 **election with this kind of turnout under these**  
10 **conditions.**

11 MR. KANTERMAN: I'll make clear for the  
12 record my objection that I don't think the question has  
13 been sufficiently answered, I will reserve our right to  
14 seek further clarification on it if the time presents.

15 Q. (BY MR. KANTERMAN) Sir, staying with Exhibit  
16 22, if I may, please. Secretary Hughs also says that it  
17 was a "safe, free and fair election", is that right?

18 **A. That's what she says.**

19 Q. And do you know the basis for that statement?

20 **A. Sure. That we didn't have, I mean, here we**  
21 **are a month later, we didn't have any evidence that it**  
22 **was a super spreader event of any sort. We had one**  
23 **report of possible COVID transmission to one poll worker**  
24 **in Travis County. And of course, we always have free**  
25 **and fair elections in Texas.**

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1 time it's been?

2 MR KANTERMAN: Yes. Can we go off the  
3 record?

4 MR. JEFFERY WHITE: Sure.

5 MR. KANTERMAN: Off the record, please.

6 COURT REPORTER: Off the record at 2:18  
7 p.m.

8 (Briefly off the record.)

9 COURT REPORTER: We're back on the record  
10 at 2:19 p.m.

11 MR. KANTERMAN: I just wanted to get for  
12 the record that we're about four hours, nine minutes in  
13 and that we're -- you're holding this open for  
14 continuation on May 6.

15 MR. JEFFERY WHITE: That is correct.

16 Thank you, sir. Now we can go off the record.

17 COURT REPORTER: We're off the record at  
18 2:19 p.m.

19 (Deposition concluded at 2:19 p.m.)  
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